

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONNA KOETJE,

Plaintiff,

Case No. 13-12739

Honorable Denise Page Hood

v.

AMANDA NORTON, CHIEF MEDICAL
OFFICER STEIVE, and SQUIER OF
PRISON HEALTH SERVICES/CORIZON,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANT STIEVE'S
MOTION FOR SUMMARY JUDGMENT and
DISMISSING DEFENDANT STIEVE ONLY**

This matter is before the Court on a Report and Recommendation (Doc. No. 73) filed by Magistrate Judge Patricia T. Morris on Defendant Stieve's Motion for Summary Judgment (Doc. No. 60). Plaintiff Donna Koetje did not file a response to the Motion for Summary Judgment. To date, no objections were filed to the Report and Recommendation and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(B)(1)(c). The

Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the Magistrate Judge’s Report and Recommendation, the Court finds that her findings and conclusions are correct. The Court agrees with the Magistrate Judge that Plaintiff’s grievance appears to have been properly exhausted. The Court will not dismiss the claim against Defendant Stieve for failure to exhaust her administrative remedies.

The Court, however, will dismiss the Complaint against Defendant Stieve on the merits based on the Magistrate Judge’s alternative recommendation. The Court agrees with the Magistrate Judge that Plaintiff’s disagreement over the course her treatment fails to state a claim under 42 U.S.C. § 1983 for deliberate indifference to her serious medical needs in violation of the Eighth Amendment.

Accordingly,

IT IS ORDERED that Magistrate Judge Patricia T. Morris' Report and Recommendation (**No. 73**) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Stieve's Motion for Summary Judgment (**No. 60**) is GRANTED for the reasons set forth above.

IT IS FURTHER ORDERED that Defendant Stieve (Steive on the case caption) only is DISMISSED from this action.¹

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 12, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 12, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager

¹ Defendant Squier was dismissed on September 22, 2014. (Order, Doc. No. 74) Defendant Amanda Norton is the remaining defendant in this action. Norton has filed a Motion for Summary Judgment (Doc. No. 75) which has been referred to Magistrate Judge Anthony P. Patti for a Report and Recommendation.